

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALDO VERA, JR., as Personal Representative of the
Estate of Aldo Vera, Sr.,

Plaintiff,

v.

THE REPUBLIC OF CUBA,

Defendant.

ALDO VERA, JR., as Personal Representative of the
Estate of Aldo Vera, Sr.; and

JEANETTE FULLER HAUSLER, and WILLIAM
FULLER as court-appointed co-representatives of the
ESTATE OF ROBERT OTIS FULLER, deceased, on
behalf of all beneficiaries of the Estate and the
ESTATE OF ROBERT OTIS FULLER; and

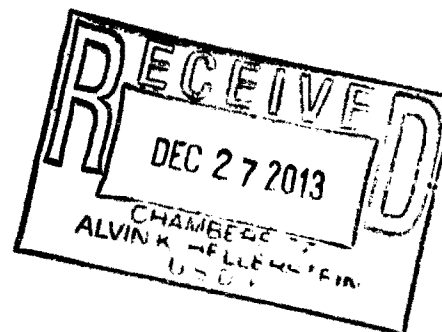
ALFREDO VILLOLDO, individually, and
GUSTAVO E. VILLOLDO, individually and as
Administrator, Executor, and Personal Representative
of the ESTATE OF GUSTAVO VILLOLDO
ARGILAGOS,

Petitioners,

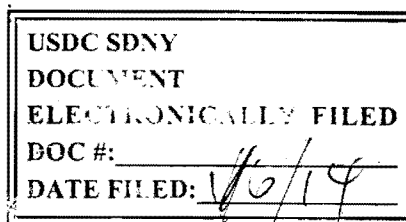
v.

BANCO BILBOA VIZCAYA ARGENTARIA (S.A.);
BANK OF AMERICA N.A.; BANK OF NEW YORK
MELLON; BARCLAY'S BANK PLC; CITIBANK
N.A., CREDIT SUISSE AG, NEW YORK BRANCH;
DEUTSCHE BANK TRUST COMPANY
AMERICAS; HSBC BANK (HSBC BANK USA,
N.A.); INTESA SANPAOLO S.P.A.; JP MORGAN
CHASE BANK, N.A.; RBS CITIZENS, N.A.;
ROYAL BANK OF CANADA; SOCIETE
GENERALE; UBS AG; WELLS FARGO BANK,
NA; BROWN BROTHERS HARRIMAN & CO.,

Respondents/Garnishees.



Case No. 12-CV-01596 (AKH)



**STIPULATION AND
[PROPOSED] OMNIBUS
PROTECTIVE ORDER
REGARDING DISCLOSURE,
SHARING AND USE OF
DOCUMENTS AND
INFORMATION**

Petitioner,

v.

JPMORGAN CHASE BANK, N.A., et al,

Garnishee-Respondents.

X

09 Civ. 10289 (VM)

In Respect of a Judgment Entered
in the State of Florida, Case No.
02-12475-CA-09

ALFREDO VILLOLDO, individually, and
GUSTAVO E. VILLOLDO, individually, and as
Administrator, Executor, and Personal Representative
of the ESTATE OF GUSTAVO VILLOLDO
ARGILAGOS,

Petitioners,

v.

FIDEL CASTRO RUIZ,

Respondent.

X

Case No. 11 Civ. 9394 (LTS)

X

WHEREAS, on October 23, 2009, in the miscellaneous proceeding captioned *Hausler v. The Republic of Cuba*, 18 Misc. 302 (S.D.N.Y.) (in Respect of a Judgment Entered in the State of Florida, Case No. 02-12475-CA-09) (the “*Hausler Proceedings*”), the Court entered a Protective Agreement and Order which was thereafter amended from time to time (Dkt Nos. 6, 389, 482, 528) (the “*Hausler Protective Order*”) to govern the production and use of documents and information produced by various garnishee banks subject to the Protective Order;

WHEREAS, on January 14, 2013, in *Vera v. The Republic of Cuba*, 12-cv-1596 (AKH) (S.D.N.Y.) (the “*Vera Proceeding*”), the Hon. Alvin K. Hellerstein, U.S.D.J. entered a Protective

Agreement and Order (*Vera* Dkt No. 24) (the “*Vera* Protective Order”) (Exhibit A hereto) to govern the production and use of documents and information produced by various garnishees banks pursuant to the *Vera* Protective Order;

WHEREAS, the plaintiffs in *Villoldo v. Fidel Castro Ruiz, et al.*, 11 Civ. 9394 (LTS) and various related proceedings, including without limitation, *Villoldo v. Credit Suisse AG, New York Branch*, 13 Civ. 2401 (LTS) (the “*Villoldo* Proceedings”), have agreed to be bound by the terms of protective agreements and orders the terms of which are substantively similar to the terms of the *Hausler* and *Vera* Protective Agreements in connection with documents and information produced by various garnishee banks subject to such protective agreements and orders (the “*Villoldo* Protective Agreements and Orders”);

WHEREAS, Plaintiff-Judgment Creditors in the *Vera*, *Villoldo* and *Hausler* proceedings have sought and obtained discovery of documents and information from various garnishee banks (the “Garnishee Banks”)¹ pursuant to the protective orders entered or agreed to in each for the purpose of enforcing their judgments against the Republic of Cuba and others, and it is intended for such discovered information to be subject to this Omnibus Protective Order;

WHEREAS, following intervention in the *Vera* Proceeding by the *Villoldo* and *Hausler* plaintiffs, and pursuant to Judge Hellerstein’s directive in the *Vera* Proceeding, the plaintiff-judgment creditors have agreed to resolve their differences and coordinate efforts in enforcing their respective judgments against the Republic of Cuba and others in the context of the *Vera* Proceeding (*see Vera* Dkt No. 280);

¹ The Garnishee Banks are Bank of America, N.A., Barclays Bank PLC, Citibank, N.A., Credit Suisse AG, New York Branch, Intesa Sanpaolo S.p.A., JPMorgan Chase Bank, N.A., The Royal Bank of Scotland, N.V. (f/k/a ABN AMRO Bank N.V.), UBS AG, Wells Fargo Bank, N.A., Deutsche Bank Trust Company Americas and The Bank of New York Mellon.

WHEREAS, pursuant to a stipulation and order amending the *Vera* Protective Order and entered on August 27, 2013, the plaintiffs in the *Hausler* and *Vera* Proceedings agreed to become parties to and to be bound by the terms of the *Vera* Protective Order (the “Joint Protective Order”);

WHEREAS, the *Hausler* Protective Order, the *Vera* Protective Order and the *Villoldo* Protective Agreements and Orders each contain a provision that limits the use of documents produced subject to such Protective Order only in connection with the proceeding in which the Protective Order was entered and for enforcing the judgment giving rise to the proceeding;

WHEREAS, in order to give effect to the Joint Protective Order and to permit the *Vera*, *Villoldo* and *Hausler* parties to share the documents produced by the Garnishee Banks in the various proceedings in a way consistent with the protective agreements and orders agreed to and/or entered in each proceeding, each Garnishee Banks is prepared to consent, pursuant to this Stipulation and Proposed Omnibus Protective Order, to the sharing and use of documents produced by the *Vera*, *Villoldo* and *Hausler* plaintiffs in each of the above-referenced proceedings in the Omnibus Proceeding to be brought under Docket No. 12-cv-1596 (AKH) (the “Omnibus Proceeding”) as if all such documents had been produced subject to the protection of the *Vera* Protective Order;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS, between and among the undersigned counsel:

1. All documents produced by and on behalf of the Garnishee Banks that are parties to or the intended beneficiaries of the *Hausler* Protective Order, the *Vera* Protective Order and the *Villoldo* Protective Agreements and Orders may be made available to and used by the respective plaintiffs in the *Vera*, *Villoldo* and *Hausler* proceedings, as well as in the Omnibus

Proceeding, subject to the Joint Protective Order and their agreement hereby to be bound by the terms and conditions of the *Vera* Protective Order;

2. Each of the Garnishee Banks which has produced documents and information subject to the terms of one or more of the Protective Orders entered in the *Vera*, *Villoldo* and *Hausler* matters shall be entitled to enforce the terms of the *Vera* Protective Order against any or all of the plaintiffs in the context of the Omnibus Proceeding;

3. To the extent that the *Hausler* Protective Order and the *Villoldo* Protective Orders require amendment to permit documents and information produced subject to their protection to be used only in connection with their respective proceedings, the parties hereto consent to such an amendment, which amendment can be proposed for so-ordering in the *Hausler* and *Villoldo* Proceedings by submitting a so-ordered copy of this Omnibus Protective Order by letter to the respective courts in the *Hausler* and *Villoldo* Proceedings;

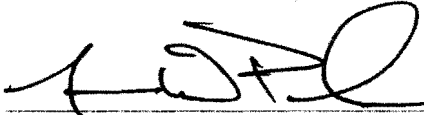
4. To the extent they are not already covered under the Protective Order in this proceeding, Plaintiffs in the *Vera* Proceeding agree to abide by the terms of such Protective Order; and

5. This Stipulation may be executed by facsimile or email, and in counterparts.

IT IS HEREBY STIPULATED AND AGREED:


Dated: ~~December 20,~~
October, 2013
New York, New York

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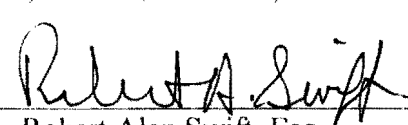
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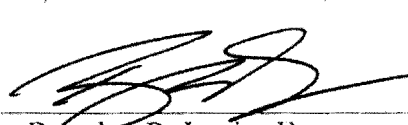
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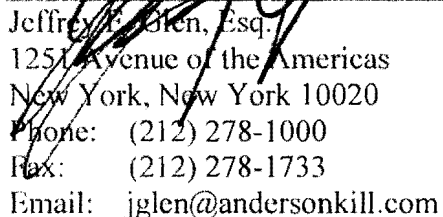
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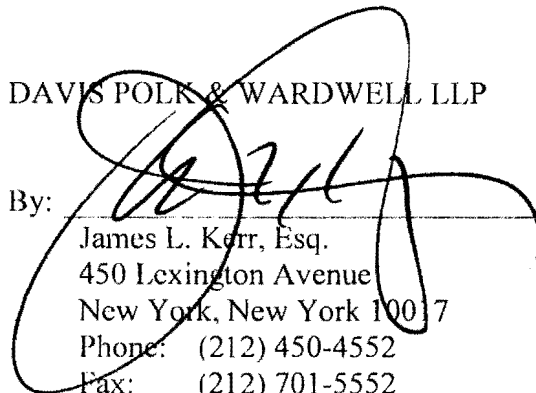
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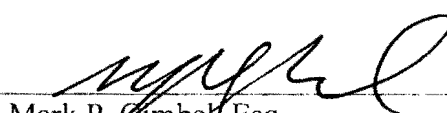
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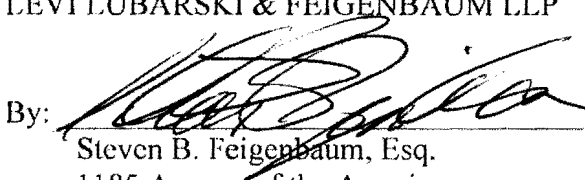
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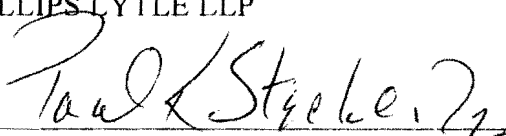
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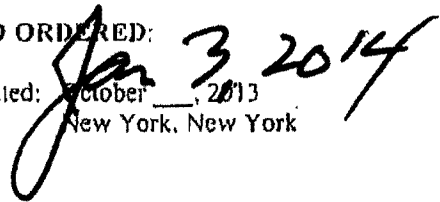
RBS CITIZENS, N.A.

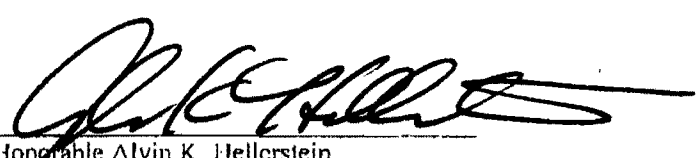
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Senior Counsel for RBS Citizens, N.A.

SO ORDERED:


Dated: Jan 3, 2014
New York, New York


Honorable Alvin K. Hellerstein
United States District Judge